

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: )  
LEHMAN BROTHERS SECURITIES AND ) Docket No.: 09-MD-2017 (LAK)  
ERISA LITIGATION )  
This Document Applies to: ) ECF Case  
*In re Lehman Brothers Mortgage-Backed )  
Securities Litigation, No 08-CV-6762.* )  
)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that on a date and at such time as may be designated by the Honorable Lewis A. Kaplan, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, Lead Plaintiff Locals 302 and 612 of the International Union of Operating Engineers – Employers Construction Industry Retirement Trust will, and hereby does, move this Court for an Order substituting its selection of Cohen Milstein Sellers & Toll PLLC as lead counsel and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
May 8, 2009

Respectfully submitted,  
COHEN MILSTEIN SELLERS & TOLL PLLC

By:/s/ Christopher Lometti

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*Counsel for Movant and Proposed Lead Counsel for  
the Class*

**CERTIFICATE OF SERVICE**

I, Christopher Lometti, counsel for the Plaintiff, hereby certify that on May 8, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses of all counsel of record in this action, and also that a copy of the foregoing was served upon Samuel P. Sporn via first-class mail. Furthermore, I hereby certify that the foregoing was served upon the Lead Plaintiff in this matter.

/s/ Christopher Lometti  
Christopher Lometti